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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,636

05/05/2006

Werner Lorch

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DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
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EXAMINER

DUNWOODY, AARON M

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

07/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,636	Applicant(s) LORCH, WERNER	
	Examiner AARON DUNWOODY	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/9/2010 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 6370713, Bosio.

In regards to claim 1, Bosio discloses a holding device for a shower hose, comprising:

a feed-through element (2), a shower hose led (4) through the feed-through element, a retaining mechanism (1) for securing the shower hose against movement in one direction, with a detachable coupling for coupling and decoupling the shower hose with the retaining mechanism, wherein the retaining mechanism allows the shower hose to be pulled out, and when coupled prevents the shower hose from being pulled back,

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and when decoupled allows the shower hose to be pulled back, wherein the detachable coupling is actuated for said coupling and decoupling, manually by manipulation of the shower hose.

In regards to claim 2, Bosio discloses the retaining mechanism is disposed on the feed-through element.

In regards to claim 3, Bosio discloses the coupling can be actuated manually by action upon the feed- through element.

In regards to claim 5, Bosio discloses the coupling can be released by pulling on the shower hose and engaged by renewed pulling.

In regards to claim 6, Bosio discloses the shower hose is secured at least partially by force closure.

In regards to claim 7, Bosio discloses the shower hose is at least one of ribbed and coiled, and securement is realized at least partially by form closure.

In regards to claim 8, Bosio discloses the retaining mechanism is configured such that the retaining mechanism secures the shower hose only in a certain rotary position and in another rotary position lets the shower hose through.

In regards to claim 9, Bosio discloses the retaining mechanism has a sleeve, which, at one position at least, has an inwardly projecting oblique surface.

In regards to claim 10, Bosio discloses in the rest of a circumferential region apart from the inwardly projecting oblique surface, the sleeve has a configuration in which the internal diameter is not reduced.

In regards to claim 11, Bosio discloses the sleeve comprises an outer sleeve and the retaining mechanism has a clamping sleeve, which is guided in the outer sleeve so as to be movable to a limited degree and, at one circumferential position at least, has an outwardly protruding projection.

In regards to claim 12, Bosio discloses a circumferential extent of the projection is smaller than a circumferential extent of a portion of the outer sleeve that is free from the oblique surface.

In regards to claim 13, Bosio discloses the projection is configured so as to be flexible in a radial direction.

In regards to claim 14, Bosio discloses the projection, upon radial movement inward, enters into at least one of force and form closure with the shower hose led through the clamping sleeve.

In regards to claim 15, Bosio discloses the projection is configured on a molded-on tongue of the clamping sleeve.

In regards to claim 16, Bosio discloses the projection is configured on a separate component.

In regards to claim 17, Bosio discloses the clamping sleeve is configured such that, when the shower hose is moved, the clamping sleeve is carried along with the shower hose in a longitudinal direction.

In regards to claim 18, Bosio discloses a connecting link guide between the outer sleeve and the clamping sleeve, which aligns at least one said projection of the

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clamping sleeve alternately with at least one said oblique surface and an interspace with the at least one said oblique surface.

In regards to claim 19, Bosio discloses the connecting link guide has a connecting link on the outer sleeve and at least one pin on the clamping sleeve.

In regards to claim 20, Bosio discloses the connecting link guide allows a full rotation of the clamping sleeve.

Response to Arguments

Applicant's arguments with respect to claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON DUNWOODY whose telephone number is (571)272-7080. The examiner can normally be reached on 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AARON DUNWOODY/
Primary Examiner, Art Unit 3679

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